

United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:22-cv-01728-NIQA
Internal Use Only

MCCLAIN v. HILTY et al
Assigned to: HONORABLE NITZA I QUINONES ALEJANDRO
related Case: [2:19-cv-05148-NIQA](#)
Case in other court: Philadelphia Court of Common Pleas, 210101455
Cause: 28:1441 Notice of Removal- Civil Rights Act

Date Filed: 05/04/2022
Date Terminated: 09/13/2023
Jury Demand: Both
Nature of Suit: 550 Prisoner Petitions: Civil Rights
Jurisdiction: Federal Question

Plaintiff

RALPH MCCLAIN, JR.

represented by **RALPH MCCLAIN, JR.**
814451
C.F.C.F.
7901 STATE ROAD
PHILADELPHIA, PA 19136
PRO SE

V.

Defendant

LT. WILLIAM HILTY

represented by **KATHRYN FARIS**
City of Philadelphia Law Department
Civil Rights Unit
1515 Arch Street
Philadelphia
Philadelphia, PA 19102
215-683-5445
Email: kathryn.faris@phila.gov
TERMINATED: 02/22/2023
LEAD ATTORNEY

Adam Ross Zurbriggen
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Civil Rights Unit
One Parkway Building
1515 Arch Street
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Philadelphia, PA 19102
352-214-0377
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ATTORNEY TO BE NOTICED

Defendant

DEPUTY XAVIER BEAUFORT

represented by **KATHRYN FARIS**
(See above for address)
TERMINATED: 02/22/2023
LEAD ATTORNEY

Adam Ross Zurbriggen
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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05/04/2022	1	NOTICE OF REMOVAL by XAVIER BEAUFORT, WILLIAM HILTY (Filing fee \$ 402 receipt number APAEDC-15899273), filed by XAVIER BEAUFORT, WILLIAM HILTY.(FARIS, KATHRYN) (Main Document 1 replaced on 5/5/2022) (sbt). (Entered: 05/04/2022)
05/12/2022	2	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by XAVIER BEAUFORT, WILLIAM HILTY.Memorandum, Certificate of Service.(FARIS, KATHRYN) (Entered: 05/12/2022)
06/17/2022	3	MOTION TO STRIKE AND FOR EXTENSION OF TIME, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 06/22/2022)
06/22/2022	4	ORDER THAT THE MOTION TO STRIKE IS DENIED. THE MOTION FOR AN EXTENSION OF TIME IS GRANTED. PLAINTIFF SHALL HAVE UNTIL 7/29/22, TO FILE A RESPONSE TO DEFENDANT'S MOTION TO DISMISS. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 6/22/22.6/23/22 ENTERED AND COPIES MAILED TO PRO SE; E-MAILED.(amas) (Entered: 06/23/2022)
06/22/2022		Set/Reset Deadlines as to 2 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . RESPONSES DUE BY 7/29/2022. (amas) (Entered: 06/23/2022)
06/24/2022	5	Brief in Opposition re 2 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by RALPH MCCLAIN, JR. (va) (Entered: 06/27/2022)
06/29/2022	6	Original Record together with certified copy of docket entries received from Court of Common Pleas of PHILADELPHIA County. (amas) (Entered: 06/29/2022)
09/22/2022	7	ORDER THAT DEFENDANTS' MOTION TO DISMISS (DOC. NO. 2) IS DENIED. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 9/21/22.9/22/22 ENTERED AND COPIES NOT MAILED TO PRO SE; E-MAILED.(amas) (Entered: 09/22/2022)
09/22/2022		Doc. 7 mailed to pro se. (er) (Entered: 09/22/2022)
09/26/2022	8	ANSWER to Complaint by XAVIER BEAUFORT, WILLIAM HILTY.(FARIS, KATHRYN) (Entered: 09/26/2022)
09/27/2022	9	ORDER THAT, ON OR BEFORE 10/27/22, THE PARTIES SHALL EACH FILE A DISCOVERY PLAN. THE PARTIES SHALL COMMENCE DISCOVERY IMMEDIATELY. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 9/27/22. 9/27/22 ENTERED AND COPIES MAILED TO PRO SE; E-MAILED.(amas) (Entered: 09/27/2022)
10/13/2022	10	PLAINTIFF'S DISCOVERY PLAN, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 10/14/2022)
10/26/2022	11	Discovery Plan by XAVIER BEAUFORT, WILLIAM HILTY.(FARIS, KATHRYN) (Entered: 10/26/2022)
11/01/2022	12	SCHEDULING ORDER THAT THE PARTIES MAY REQUEST A REFERRAL TO MAGISTRATE JUDGE LYNNE A. SITARSKI FOR SETTLEMENT. ALL FACT DISCOVERY IS DUE BY 3/3/23. DISPOSITIVE MOTIONS ARE DUE BY 3/29/23. FURTHER DEADLINES OUTLINED HEREIN. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 10/31/22. 11/1/22 ENTERED AND COPIES E-MAILED.(amas) (Entered: 11/01/2022)
01/13/2023	13	MOTION to Depose <i>an Incarcerated Individual</i> filed by XAVIER BEAUFORT, WILLIAM HILTY.certificate of service.(FARIS, KATHRYN) (Entered: 01/13/2023)
01/13/2023	14	ORDER THAT THE MOTION (DOC. NO. 13) IS GRANTED. ACCORDINGLY, DEFENDANTS ARE PERMITTED TO DEPOSE PLAINTIFF RALPH MCCLAIN, JR. (#NP7661), AN INCARCERATED PERSON, AT A TIME, DATE, AND MANNER CONVENIENT TO THE PARTIES AND THE ADMINISTRATION AT THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 1/13/23.1/17/23 ENTERED AND COPIES MAILED TO PRO SE;E-MAILED.(amas) (Entered: 01/17/2023)
02/13/2023	15	NOTICE of Change of Address by RALPH MCCLAIN, JR(amas) (Entered: 02/14/2023)
02/15/2023		MAILED OUT ORDER ENTRY 14 TO PLAINTIFF ON 2/15/23. (jaa,) (Entered: 02/15/2023)
02/17/2023	16	MOTON TO EXTEND DEADLINES, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 02/21/2023)
02/22/2023	17	NOTICE of Appearance by Adam Ross Zurbriggen on behalf of XAVIER BEAUFORT, WILLIAM HILTY with Certificate of Service(Zurbriggen, Adam) (Entered: 02/22/2023)

02/22/2023	18	NOTICE of Withdrawal of Appearance by KATHRYN FARIS on behalf of XAVIER BEAUFORT, WILLIAM HILTY(FARIS, KATHRYN) (Entered: 02/22/2023)
02/23/2023	19	REVISED SCHEDULING ORDER THAT THE MOTION IS GRANTED AND THE DEADLINES ARE REVISED AS OUTLINED HEREIN. FACT DISCOVERY IS DUE BY 5/2/23. DISPOSITIVE MOTIONS ARE DUE BY 5/30/23. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 2/22/23. 2/22/23 ENTERED AND COPIES E-MAILED.(amas) (Entered: 02/23/2023)
03/17/2023	20	MOTION TO COMPEL DISCOVERY, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 03/20/2023)
03/23/2023	21	RESPONSE in Opposition re 20 MOTION to Compel <i>Certificate of Service</i> filed by XAVIER BEAUFORT, WILLIAM HILTY. (Attachments: # 1 Exhibit A - Defendants' Answers and Objections to Plaintiff's Request for Production)(Zurbriggen, Adam) (Entered: 03/23/2023)
03/24/2023	22	ORDER THAT PLAINTIFF'S MOTION TO COMPEL DISCOVERY (DOC. NO. 20) IS DENIED AS MOOT. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 3/24/23.3/24/23 ENTERED AND COPIES NOT MAILED TO PRO SE; E-MAILED.(amas) (Entered: 03/24/2023)
03/24/2023		Copy of order #22 mailed to pro se RALPH W. MCCLAIN, JR. (afm) (Entered: 03/24/2023)
04/10/2023	23	MOTION TO COMPEL PRODUCTION OF UNREDACTED DOCUMENTS DISCOVERY, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 04/11/2023)
04/10/2023	24	Letter dated 4/4/23 by RALPH MCCLAIN, JR (sbt) (Entered: 04/14/2023)
04/14/2023	25	Letter dated 4/14/23 Re: Status Update (Attachments: # 1 Docket Sheet)(sbt) (Entered: 04/14/2023)
04/25/2023	26	RESPONSE in Opposition re 23 MOTION to Compel <i>Certificate of Service</i> filed by XAVIER BEAUFORT, WILLIAM HILTY. (Zurbriggen, Adam) (Entered: 04/25/2023)
04/27/2023	27	MOTION FOR STAY AND EXTENSION OF DEADLINES, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 04/28/2023)
04/27/2023	28	MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, WITH BRIEF AND CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 04/28/2023)
04/27/2023	29	AMENDED COMPLAINT against All Defendants All Defendants., filed by RALPH MCCLAIN, JR.(amas) (Entered: 04/28/2023)
04/28/2023	30	MOTION to Appoint Counsel, WITH DECLARATION AND CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 05/01/2023)
05/04/2023	31	ORDER THAT THE MOTION IS GRANTED, IN PART. ACCORDINGLY, PLAINTIFFS CASE IS REFERRED TO THE PRISONER CIVIL RIGHTS PANEL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR CONSIDERATION. THE CLERK OF COURT IS DIRECTED TO REFER THIS MATTER TO THE PANEL AND PLACE THIS MATTER IN CIVIL SUSPENSE UNTIL FURTHER ORDER OF THE COURT. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 5/4/23. 5/4/23 ENTERED AND COPIES NOT MAILED TO PRO SE; E-MAILED.(amas) (Entered: 05/04/2023)
05/05/2023		PAPER #31 MAILED TO PRO SE (JL) (Entered: 05/05/2023)
05/11/2023	32	NOTICE of Change of Address by RALPH MCCLAIN, JR(amas) (Entered: 05/12/2023)
05/15/2023		DOC. NO. 31 MAILED TO PRO SE ON 5/15/23. (amas) (Entered: 05/15/2023)
05/24/2023	33	Copy of Order dated 5/4/23 (Document # 31) and envelope returned from the U.S. Postal Service addressed to Ralph McCalin, Jr. for the following reason: Refused. (fdc) (Entered: 05/24/2023)
07/07/2023	34	MOTION FOR LIMITED LIFT OF STAY, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 07/10/2023)
07/07/2023	35	Letter dated 7/2/23 by RALPH MCCLAIN, JR (sbt) (Entered: 07/10/2023)
07/10/2023	36	Letter dated 7/10/23 Re: Status Update (Attachments: # 1 Docket Sheet, # 2 Docket Entries)(sbt) (Main Document 36 replaced on 7/10/2023) (sbt). (Entered: 07/10/2023)
07/20/2023	37	ORDER THAT UPON CONSIDERATION OF PLAINTIFF'S MOTION FOR LIMITED LIFT OF STAY (ECF NO 34), THE MOTION IS DENIED. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 07/20/2023.07/20/2023 ENTERED AND COPIES NOT MAILED TO PRO SE PETITIONER AND E-MAILED.(nd) (Entered: 07/20/2023)

07/21/2023		COPY OF DOC. NO. 37 HAS BEEN MAILED TO PRO SE. (bw) (Entered: 07/21/2023)
08/31/2023	38	MOTION FOR COPIES OF ALL RECENT DOCUMENTS FILED AND DOCKET REPORT CASE TO WARDEN, WITH CERTIFICATE OF SERVICE, FILED BY RALPH MCCLAIN, JR.(amas) (Entered: 09/01/2023)
09/05/2023	39	NOTICE to plaintiff dated 9/5/2023. re: Appointment of Counsel on the Court's Extranet site. Copies mailed to plaintiff on 9/5/23. (go) (Entered: 09/05/2023)
09/13/2023	40	ORDER THAT PLAINTIFF RALPH MCCLAIN, JR.S MOTION FOR COPIES OF ALL RECENT DOCUMENTS FILED AND DOCKET REPORT TO WARDEN, [ECF 38] IS GRANTED, IN PART. THE CLERK OF COURT SHALL SEND A COPY OF THE DOCKET IN THIS MATTER TO PLAINTIFF AT THE CURRAN-FROMHOLD CORRECTIONAL FACILITY FOLLOWING THE ORDINARY PROCEDURES FOR MAILING COURT DOCUMENTS TO PRISONERS AT THAT FACILITY. SIGNED BY HONORABLE NITZA I QUINONES ALEJANDRO ON 9/13/23.9/13/23 ENTERED AND COPIES MAILED TO PRO SE ALONG WITH A COPY OF THE DOCKET; E-MAILED.(amas) (Entered: 09/13/2023)